

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

DIVISION JAMES W. McGOVERN, CLERK
By: ABW DLP CLERK

CASE NO. 4:20-cv-2163-KGB-JTK

Jury Trial: ☒ Yes ☐ No
(Check One)

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff: Marcos Dawyne Walton
ADC # 157132

Address: PO Box 600, Grading, AR. 71644

Name of plaintiff: _____
ADC # _____
Address: _____

This case assigned to District Judge Baker
and to Magistrate Judge Hearney

Name of plaintiff: 10/A
ADC # 11

Address: N/A

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

B. Name of defendant: Dillon R. Voss

Position: Bargent, Correctional

Place of employment: Ouachita River Correctional inst

Address: 100 Walco Lane, Malvern, AR 72104

Name of defendant: Corporal B. Lewis

Position: Correctional Corporal

Place of employment: Quachita River Unit

Address: 100, Walco Lane, Malvern, AR 72104

Name of defendant: Jhon Doe

Position: Sargent

Place of employment: Quachita River Unit

Address: 100, Walco Lane, Malvern, AR 72104

Name of defendant: Lt. Harris

Position: Leutenant, Correctional

Place of employment: Quachita River Unit

Address: 100, Walco Lane, Malvern, AR 72104

II. Are you suing the defendants in:

- ☐ official capacity only
☐ personal capacity only
☒ both official and personal capacity

III. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ✓

- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- ☐ Parties to the previous lawsuit:

Plaintiffs: W/A

Defendants: W/A

☐ Court (if federal court, name the district; if state court, name the county):

W/17

☐ Docket Number: Ø

☐ Name of judge to whom case was assigned: Ø

☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) Ø

☐ Approximate date of filing lawsuit: Ø

☐ Approximate date of disposition: Ø

IV. Place of present confinement: Varner Unit, Grady, AR
71644-0600

V. At the time of the alleged incident(s), were you:
(check appropriate blank)

 in jail and still awaiting trial on pending criminal charges

 serving a sentence as a result of a judgment of conviction

☒ in jail for other reasons (e.g., alleged probation violation, etc.)
explain:

Alleged Parole Violation

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes ☒ No ☐

If not, why? _____

VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

(See Attached Affidavit)

See camera located in Hallway
in front of Chow hall 4 intake on January
27, 2020 10:00am Until 11:30am
which will validate all claims. I've
made. Thankyou.

VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

See Attachment

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this _____ day of _____, 20____.

Marcus Watta

Signature(s) of plaintiff(s)

VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

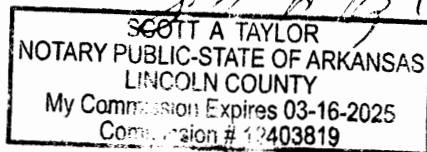
See Attachment

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 26 day of Feb, 20 20

~~Signature~~ 184/32

Signature(s) of plaintiff(s)



Ref 3-16-25

In the United States District Courts
Western District of Arkansas
FOR EASTERN

Marcus Walton

Vs.

Case #

Sgt. Dillion R. Voss, et al
John Doe, Lt. Harris

B. Lewis Cpl.

"Attachment to Statement of Claim # VII pg 7"

I.
Jurisdiction and Venue.

1) This civil action authorized by 42 U.S.C.A. Section 1983, -
to redress the deprivation, under color of State law, of rights
secured by the Constitution of the United States.

2) The Western District of Arkansas is the appropriate
venue, because this is where the event giving rise to this
claim occurred.

Plaintiff
 1) Plaintiff, Marcus Dawyne Walton, is now, and was at all times mentioned herein, an inmate in the Arkansas, Dept. of Corrections, currently confined in the Varner Unit, P.O. Box 600, Brady, AR, 71644.

III Defendants

1) Defendant, Dillon D. Voss, is now, and was, at all times mentioned herein, Correctional Sgt. at the Ochita River Corr. Unit, was acting under the color of state law.

2) Defendant, B. Lewis, is now and at all times mentioned herein, Correctional Corporal at Ochita River Corr. Unit, was acting under the color of state law.

3) Defendant, Johan Doe, (see camera 4 Chow hall 4 intake hall way far defendant's proper and correct name.) Is now and at all times mentioned herein was acting under color of state law.

IV Facts

After arriving at Malvin Unit in ADC custody after a couple of days I was in a verbal altercation with a one Sgt. D. Voss about me talking in the Chow Hall (keep in mind I didn't know we weren't suppose to be talking that it was such a problem) b/c I had just got there. Sgt. D. Voss forcibly stated for me to go back to the barracks, since I haven't eating I was reluctant to leave as he said but to prevent from having a problem I complied with his orders & left the Chow Hall area. Upon doing so I stopped outside of the Chow Hall to talk and/or explain myself to a Lt. Harriess, &

(2.)

Cpl. Lewis a Sgt. Voss (who has said to have more than one excessive force complaint against him in the past) left his area to further come in the hall and provoke me (see camera in Hallway in front of Chow Hall 4 intake to see he was the aggressor) into an unprovoked conflict, without reason. Saying "go to the barracks before I make you go to the barracks." While saying those words Sgt. D. Voss was placing hand restraints on his fist as if they were brass knuckles at that point they became a weapon. (see camera ~~in the~~ Chow Hall 4 intake hallway) I stated "I am not your child this white doesn't belittle me as a human being. You can ask me and I'll go." At that point I was struck by a Sgt. D. Voss for no apparent reason in the face. (see camera Intake 4 Chow Hall hallway) Everything stopped as I stumbled backward and he came at me again. That's when I acted in self defence against an officer who clearly had a motive to hurt me for no reason. While on the ground an officer known as only John Doe repeatedly knelt me in my back while having me in a choke hold. Before and after I was placed in restraint a Cpl. Blewis struck me several times with a closed fist and a state issued radio. No one was trying to restrain me I wasn't fighting back they were beating me. Different officers struck me repeatedly.

Exhaustion of legal Remedies.

- 1) Plaintiff used the inmate grievance procedure available to try to obtain medical help.
- 2) Plaintiff upon being transferred b/c of my grievance. Upon transfer had ask the (vaner) nurse to examine him due to Urin Containing blood, lose thoth, and severe migrainehead aches.
- 3) A sample was conducted by nurse Hollaway who tested the Urin sample and in fact it contained blood (see lab report) on urin sample.
- 4) On these dates grievances were filled heres the numbers.
 Grv. # SNW20-00039 2/3/20 Grv. Code # 900
 Grv. # SNW20-00033 11/31/20 Grv. Code # 400
 Grv. # SNW20-00038 2/3/20 Grv. Code # 400
5. Sick Calls. 2-12-2020 2-14-2020
 2/3/2020 - 2/5/2020 Vanner Unit.

VI Legal Claims

- 1) Defendants D. Voss, D. Lewis, John Doe (see camera for proper name) and Lt. Harris willing deprived the plaintiff of his right to be free of cruel and unusual Punishment
- 2) Defendant D. Voss used excessive force, by placing hand restraints (handcuffs) and using them at brass knuckles at this point they became a weapon against an unarmed inmate. (see camera in hallway in front of intake chow hall 4.)
- 3) Defendant B. Lewis used excessive force when she struck the inmate with a closed fist and a state issued radio (see camera intake chow hall 4 hallway)
- 4) Defendant John Doe (see intake camera hallway chow hall 4 for defendants name.) se excessive force when he choke held me and kneed me repeatedly in my back
- 5) Defendant Lt. Harris became as guilty as her subornits when she didn't stop the altercation she watched knowing he was in the wrong.

6. Defendant, Dillon Voss lied about the incident that lead up to the events which means he obstructed justice and conspiring with others (officers) to cover up (see camera in Hallway of Chow Hall intake 10:00am - 11:30am.)

7. Lt. Harris, should of stepped in and stopped the beating after her first officer threw the first punch but she watched only coming to his defence when I protected myself. But infact she was the officer in charge and should of gain control of the situation and her subornitnet.

VII

Protection from physical Brutality

"The Rule:" A use of force is excessive & violates the 8th amendment when it is not applied in an effort to maintain or restore discipline. (In this case discipline was never lost nor was the plaintiff out of control.) But is used to maliciously & sadistically cause harm. Where a prison official is responsible for unnecessary & wanton infliction of pain, the 8th Amendment has been violated.

"Excessive Force" By prison guards constitutes cruel & unusual punishment. (In *Hudson v. McMillian*, 503 U.S. 1 "1992" the court found a violation of the 8th Amend when prison officials punched, and kicked a prisoner, leaving him with minor bruises, swelling on his face and mouth and loose teeth. The court held the guards use of force violates the 8th Amendment "in good faith effort to maintain or restore discipline" (see camera in Hallway intake 4 Chow Hall discipline was never lost.) But instead is used to "maliciously & sadistically cause harm." (5)

Case Number # 2020 WL 529180 (D.O.J) Middle district of Louisiana. Daniel Davis a former mayor was found guilty in federal court for his participation in the beating of an inmate, conspiring with other officers by devising a fake cover story submitting fake reports documenting that cover story tampering with witnesses and lying under oath. Four other officers pled guilty for their roles in the beating and cover up. This inmate was also shackled and handcuffed as the plaintiff was when he was struck with a close fist and state issued radio by Cpl. Blewis. (See Campa Intake Chow Hall 4) ^{10:00am 11:30am}

Case Number # DoJ 19-1408 (DOJ) 2019 WL 6875836.

In this case an indictment was unsealed charging Anthony Boen, the current Sheriff of Franklin County, Arkansas, with federal civil rights offenses. Sheriff Boen age 49, is charged with three counts of deprivation of rights under color of law in violation of title 18, United States Code, Section ²⁴² ~~242~~. Boen punched a detainee several times in the head while in restraints and out restraints.

VIII

Case in Chief

On 12-7-2020 at approx 10:30-11:30am inmate M. Walton was maliciously beat in the face and back by officers at Malvern

Unit a one D. Voss, B. Lewis, Jhon Doe, (see camera for officers real name) and Lt. Harris. I was refused food and no Sgt. on that Shift was concerned with my well being neither or would they even sign my grievances. I'm suffering from momentary memory lost and migraine headaches. I was urinating blood do to the blows I took to the back. My elbow was sprung I could not bend it. Also my tooth has to be extracted and is in excruciating pain. At the Lt. Harris didn't strike me she was the Superior officer and did not try and stop her subordinates. That puts her at just as much fault as them she could of told him return to post after he first provoked me and threatening me. I'm mental health and I suffer from anxiety, depression, and being locked down for an altercation that was forced on me is doing a down spiral on my trust of the system. Also my self esteem. Am I severely depressed.

IX

Danger for Relief

- 1.) A declaration that the acts described herein violated Plaintiff's rights under the Constitution & Laws of the U.S.
- 2.) Compensatory damages in the amount of 250,000 against A.D.C. each defendant jointly & severally. ¹⁹⁰⁰ per day everyday over months past.
- 3.) Punitive Damages for all listed defendants to criminal charged & convicted.
- 4.) A jury trial on all issues triable by Jury.
- 5.) Plaintiff's cost in this action.
- 6.) Any additional relief deemed just & equitable.

Respectfully Submitted

Marcus Walton - 154132

P.O. Box 600 / Vaneer Unit

Grady, AR, 71644

Verification

I have read the foregoing complaint & hereby verify that the matters therein are true, except as to matters alleged on information & belief, and as to those, if any, I believe them to be true. I certify under the penalty of perjury.

Executed at Grady, Arkansas on this 26 day of Feb, 2020

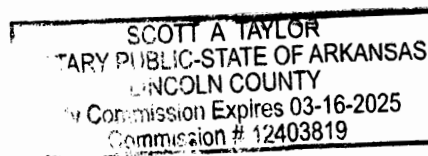
Mario Watson 154132

State of Arkansas, Grady County of Lincoln
Notary Public

Subscribed and ~~sworn~~ sworn to before me, a ~~Notary~~
Notary Public on this Day 26 of Feb 2020

3-16-25
my Commission Expires

Scott A. Taylor
Notary Public



IGTT405
3GT

Attachment V

**ACKNOWLEDGEMENT OF GRIEVANCE APPEAL
or REJECTION OF APPEAL**

TO: Inmate Walton, Marcus D. ADC #: 154132B
FROM: Griffin, Rory L TITLE: Dep Dir for Hlth and Corr Svc
RE: Receipt of Grievance SNN20-00033 DATE: 02/07/2020

Please be advised, the appeal of your grievance dated
01/28/2020
was received in my office on this date 02/07/2020

Your grievance appeal is being returned pursuant to the Administrative Directive on Inmate Grievances due to one of the following:

- ☐ The time allowed for appeal has expired
- ☐ The matter is non-grievable and does not involve retaliation:
 - ☐ (a) Parole and/or Release matter
 - ☐ (b) Transfer
 - ☐ (c) Job Assignment unrelated to medical restriction
 - ☐ (d) Disciplinary matter
 - ☐ (e) Matter beyond the Department's control and/or matter of State/Federal law
 - ☐ (f) Involves an anticipated event
- ☒ You did not send all the proper Attachments:
 - ☒ (a) Unit Level Grievance Form (Attachment 1)
 - ☐ (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
 - ☐ (c) Did not give reason for disagreement in space provided for appeal
 - ☐ (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
 - ☐ (e) Unsanitary form(s) or documents received
 - ☐ (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

Truck Mail

FEB 07 2020

IGTT400
3GR

Attachment II

INMATE GRIEVANCES SUPERVISOR

ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Walton, Marcus D.
 FROM: Gray, Jason N
 DATE: 01/31/2020

ADC #: 154132B
 TITLE: ADC Inmate Grievance Coord
 GRIEVANCE #: SNN20-00033

Please be advised, I have received your Grievance dated 01/28/2020 on 01/31/2020.
 Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

CHECK ONE OF THE FOLLOWING

- ☐ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- ☐ This Grievance has been determined to be an emergency situation, as you so indicated.

- ☐ This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- ☒ This Grievance was REJECTED because it was either non-grievable (Disciplinary matter), untimely, was a duplicate of , or was frivolous or vexatious.

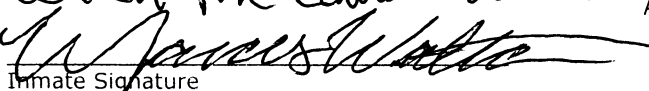
INMATE'S APPEAL

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

At no time did I give a disciplinary or say anything about one cause in stating fact I haven't received a disciplinary. So how can I give one? This is a cover up for this officer's actions that was clearly wrong, overly aggressive, hostile, and should not have a job in ADC. Moreover as a staff is trying to sweep it under the rug please watch the camera I was beat by your staff here. He clearly

ADC #: 154132

Date

1-31-2020


Inmate Signature

violated everything the AR-225 stands for and every other officer does to for the cover up they're doing and lie on these state documents. saying, I'm giving a ~~disciplinary~~ ^{disciplinary} how when I never got one?

Allowing these officers to continue in this cover up goes against everything the AR-225 stands for whereas the integrity behind the badge. Everyone in blue isn't right and everyone in white isn't wrong.

Mrs. Payne
Mrs. Wendy Kelly,

At no time at the body of my grievance did I discuss a disciplinary wither or have I gotten a disciplinary. This is in fact a way to shut me up and make matters disappear. ~~the~~ This whole unit is in on a cover up to protect its officers and to act as if this incident never happened. I was beat while I was in handcuffs by a Cpl. Blew's she struck me with a radio, and the act of Sgt. Voss was premeditated. ~~you~~ You can clearly see him remove his hand cuffs and place them around his knuckles to be used as a weapon against me, who was only asking for a chance to eat. They are trying to sweep this matter under the rug and make it as if I did something wrong. I didn't he struck me clearly in the face for no reason please watch the camera before the footage magically disappears. He also said go to the barracks before I make you go that's a threat he can't do that.

Marcus Walton-154/32

P.O. Box, 600

Grady, AR. 71644